

COUNTY OF SUFFOLK



Steven Bellone
SUFFOLK COUNTY EXECUTIVE
Department of
Economic Development and Planning

Natalie Wright
Commissioner

Division of Planning and Environment

STAFF REPORT

Pursuant to Chapter 8 of the Suffolk County Administrative Local Laws

Application No. 2021012

Landowner: Paulette Satur and Eberhard Mueller / "Satur Farms"
Applicant: Paulette Satur and Eberhard Mueller / "Satur Farms"
Address: Alvahs Lane, Cutchogue, Town of Southold
Tax Map #: 1000-101.00-02.00-024.006
Operation: Vegetables

Proposal:

The applicant seeks an Agricultural Development Permit for the installation and maintenance of a ground-mounted Solar-Panel Alternative Energy System (Solar-Panel AES) on the County Farm PDR subject property (Parcel #1) to reduce agricultural energy consumption onsite and on the adjacent non-PDR parcel to the south with development rights intact (on SCTM lot # 1000-101.00-02.00-024.005) for commercial agricultural production uses.

Analysis:

Satur Farms Main Location (Parcel #1): Alvahs Lane – SCTM # 1000-101.00-02.00-024.006

Annual Energy Consumption = 33,570 KWH/YR

The proposed ground-mounted Solar-Panel AES is proposed to be located on this County Farm PDR property which is located on the w/s/o Alvahs Lane, in the hamlet of Cutchogue, Town of Southold. The property is 16.1 ± acres in size and is identified by Suffolk County Tax Map (SCTM) number 1000-101.00-02.00-024.006. The County of Suffolk ("County") purchased the development rights to this property from Barbara Cassidy, Albert Droscoski, Richard H. Droscoski, Thomas J. Droscoski, and Margaret Valient on November 5, 1992. On April 8, 1997, the underlying fee title of the property was transferred to Paulette Satur and Eberhard Mueller of Satur Farms, the current owners.

The proposed Solar-Panel AES will have a Rating Capacity of 49.92 Kilowatts (KW) and will have an "Estimated Annual Production" of 66,941 Kilowatt Hours Per Year (KWH/YR). The array will consist of 104 individual panels, measuring 195 feet and 1 inch in length by 14 feet in width, and will be located on the northeastern portion of the property to the west/northwest of the existing greenhouse, as depicted in the Survey received by the County on November 18, 2021 and attached as Exhibit A. The applicant states that the Solar-Panel AES will connect to an existing barn with meter on the adjacent non-PDR parcel to the south (on SCTM lot # 1000-101.00-02.00-024.006), as depicted in the Map received by the County on November 16, 2021 and attached as Exhibit B.

According to the application, the physical dimensions of the Solar-Panel AES, are as follows:

- The length by width of the entire SPAE array of solar panels will be: 195 feet and 1 inches (in length) by 14 feet (in width).
- The number of panels and length and width of each solar panel will be: 104 panels, each 87.24 inches (in length) by 41.14 inches (in width).
- The height from the ground to the bottom of the solar panels will be: 18 inches
- The height from the ground to the top of the solar panels will be: 7 feet and 4 inches
- The tilt in degrees from bottom to top of panels will be: 25 degrees pitch, Azimuth 226 (SSW).

The applicant states that:

“The parcel of land where we intend to install our proposed solar array is located on sloping land. When we purchased the farm 24 years ago, we tried to improve the soil and tried to grow various crops in that section (carrots, herbs, for example) to no avail. The top soil had many years prior washed down that slope, what’s left is not farmable. We wish to install the solar array in that section to have it produce energy for the farm’s needs since it cannot produce vegetables. It is of little agricultural use otherwise. Since concern for our neighbor’s annoyance is of utmost importance, we have chosen this site so it is unobtrusive and unnoticeable to all. It is sited ~115 feet west (corrected to 167 feet according to Survey received on November 18, 2021) of Alvah’s Lane and is also behind a 6 foot hedge along the Lane. No one on Alvah’s Lane will see the panels. Similarly the panels are sited so that the house to the North of our property will not see them- we will keep their view to the south clear.

Just as we have taken care to improve agricultural soils on land we have farmed, we will be honored to invest in solar for clean energy generation, continuing to help preserve the North Fork land and air for future generations.”

The applicant states that approximately 12 of the 16.14 acres of the subject County Farm PDR property is used for vegetable specialty crops, and the remaining balance of approximately 4.14 acres consists of soil unsuitable for growing crops. It is on the part of the land where they are proposing the Solar-Panel AES.

The applicant states that the energy at this site will be used for the following:

- Covered Crops Structures (the existing two Greenhouses) which are used to grow transplants of crops to get a head start on the Spring Season, and to grow transplants of specialty lettuce and Frisee heads throughout the growing season. In the winter it’s used to protect freeze delicate crops.
- Field Irrigation Pump which is currently a diesel engine that we wish to replace with an electric model for reduced noise and emissions.

Satur Farms Parcel #2: Alvahs Lane – SCTM # 1000-101.00-02.00-024.005

Annual Energy Consumption = 36,091 KWH/YR

The energy from the Solar-Panel AES is proposed to be utilized for agricultural uses on this adjacent non-PDR parcel to the south with development rights intact (Parcel # 2). The parcel is owned by Paulette Satur and Eberhard Mueller and is located on the w/s/o Alvahs Lane and consists of \pm 1.9 acres. The parcel is identified by SCTM # 1000-101.00-02.00-024.005.

The applicant states that the parcel contains their barn and residence. The applicant states that the Solar-Panel AES will connect only to the existing barn with a meter. The applicant confirmed that the electricity generated by the Solar-Panel AES will not be consumed for residential use (i.e., farm residence) or other non-agricultural uses, or any uses and activities that are prohibited by Chapter 8 of

the Suffolk County Code.

The applicant further states that the energy at this site will be used for the following:

- Barn building refrigeration which is used for Crop Cold Storage and Seed Storage. They purchase expensive coated seeds that are stored in temperature and humidity controlled environment to ensure good germination.
- Electric Vehicle Charger for a new vehicle they wish to acquire by trading in their Ford F250 diesel pick up truck. It will also have an Agricultural plate and will be used for farm work.

Unapproved Existing Structures/Improvements:

During the review of the subject Solar-Panel AES application a number of unapproved existing structures/improvements on the County Farm PDR property were noted and confirmed by the landowner/applicant, Paulette Satur. Mrs. Satur submitted a permit application for unapproved existing structures/improvements (e.g., storage container, utilities, fuel storage tanks, and irrigation infrastructure) on November 18, 2021. Once the application is reviewed and deemed complete, it will be scheduled for review by the Committee.

Chapter 8-13 Alternative Energy Systems allowance:

Chapter 8-13 of the Suffolk County Code allows for alternative energy systems on County Farm PDR to provide farmers with opportunities to generate safe, efficient, effective and renewable energy on site and diminish the farm operation's dependence on nonrenewable energy sources. All alternative energy systems shall be subordinate to the agricultural use of the agricultural land and the electricity generated by the alternative energy system shall not be consumed by any residential or other nonagricultural land use nor shall it be consumed by any activity prohibited on agricultural lands to which the County owns development rights.

Chapter 8-13B(1) states: “The rated capacity of the alternative energy system shall not exceed 110% of the farm operation's average annual consumption, where annual consumption is the total amount of energy used per annum for those agricultural activities permitted on agricultural lands.”

In determining that Satur Farms Operation’s proposal is within the Chapter 8-13B(1) allowance, as per the following calculation:

- 1) Farm Operation’s Total Annual Energy Consumption on the 2 subject parcels (based on Satur Farms’ agricultural usage numbers – Attached as Exhibit C) =

69,661 KWH/YR

- 2) 110% of the Farm Operation’s Total Annual Energy Consumption (based on Satur Farms’ agricultural usage numbers) =

1.1 X 69,661 KWH/YR = 76,627.1 KWH/YR

- 3) Solar-Panel Energy System’s Estimated Annual Production (based on Satur Farms’ Specification) =

66,941 KWH/YR

- 4) **The Solar-Panel Energy System is within the Chapter 8-13B(1) allowance since the**

“Estimated Annual Production (66,941 KWH/YR)” is less than “110% of the Farm Operation’s Total Annual Energy Consumption (76,627.1 KWH/YR).”

If approval is granted by the Suffolk County Farmland Committee for an Agricultural Development Permit for the above-referenced request, staff recommends that the approval be subject to the following conditions:

- 1) The Solar-Panel Alternative Energy System (Solar Panel AES) shall have a Rating Capacity of 49.92 Kilowatts (KW) and shall have an “Estimated Annual Production” of 66,941 Kilowatt Hours Per Year (KWH/YR);
- 2) The Solar Panel AES array shall consist of 104 individual panels, measuring 195 feet and 1 inches in length by 14 feet in width, and shall be mounted on the ground and located on the northeastern portion of the property to the west/northwest of the existing greenhouse, as depicted in the Survey received by the County on November 18, 2021 and attached as Exhibit A.
- 3) The Solar-Panel AES shall connect to an existing barn with meter on the adjacent non-PDR parcel to the south (on SCTM lot # 1000-101.00-02.00-024.006), as depicted in the Map received by the County on November 16, 2021 and attached as Exhibit B.
- 4) The electricity generated by the Solar-Panel AES shall be used for agricultural uses only in conformity with Chapter 8 of the Suffolk County Code on Satur Farms’ main location on SCTM lot # 1000-101.00-02.00-024.006 and an adjacent parcel to the south on SCTM lot # 1000-101.00-02.00-024.005;
- 5) The electricity generated by the alternative energy system shall not be consumed by any residential or other nonagricultural land use nor shall it be consumed by any activity or use prohibited by Chapter 8 of the Suffolk County Code;
- 6) The landowner applicant (Paulette Satur and Eberhard Mueller) shall provide to the Suffolk County Division of Planning and Environment on an annual basis the following documentation from the energy company (PSEG) upon installation of the Solar-Panel AES: 1) An annual statement 1-page summary of the Solar-Panel AES’s total annual energy production (KWH/YR) amount and the total and individual annual energy consumption amounts for agricultural uses on the two Satur Farms’ subject tax map parcels (SCTM #s 1000-101.00-02.00-024.006 and 1000-101.00-02.00-024.005); and 2) Backup documentation (i.e., monthly meter usage statements) for the aforementioned two Satur Farms’ subject tax map parcels;
- 7) If either of the two aforementioned Satur Farms’ subject tax map parcels are leased to a new farmer or sold to a new landowner and are no longer part of the Satur Farms’ operation, the new farmer or new landowner shall not utilize the energy on said parcel(s), and the applicant (Paulette Satur and Eberhard Mueller) shall promptly notify the County of such change and shall apply for re-review and approval of the Solar-Panel AES;
- 8) If either of the two aforementioned Satur Farms’ subject tax map parcels are to be removed from utilizing energy from the Solar-Panel AES for any reason, the applicant (Paulette Satur and Eberhard Mueller) shall promptly notify the County of such removal(s) and apply for re-review and approval of the Solar-Panel AES;
- 9) If the Solar-Panel AES’s total annual energy production exceeds 110% of the farm operation’s total average annual energy consumption on the aforementioned two Satur Farms’ subject tax map parcels, the landowner applicant (Paulette Satur and Eberhard Mueller) shall promptly notify the Suffolk County Division of Planning and Environment in writing. Upon review by the County, the landowner may be required to adjust the rating capacity and size of the Solar-Panel AES to conform

with the Chapter 8-13B(1) allowance;

- 10) If the Solar-Panel AES's total annual energy production exceeds 110% of the farm operation's total annual energy consumption needs in any given year on the aforementioned two Satur Farms' subject tax map parcels, the landowner applicant (Paulette Satur and Eberhard Mueller) shall be prohibited from utilizing or transferring the additional energy or energy credits for any other use but Satur Farms' operation needs for allowable agricultural production uses under Chapter 8 of the Suffolk County on the aforementioned two Satur Farms' subject tax map parcels;
- 11) If the Solar-Panel AES's total annual energy production exceeds 110% of the farm operation's total annual energy consumption needs in any given year on the aforementioned two Satur Farms' subject tax map parcels, the landowner applicant (Paulette Satur and Eberhard Mueller) shall be prohibited from selling for profit any excess energy credits not utilized for Satur Farms' operation needs on the aforementioned two Satur Farms' subject tax map parcels;
- 12) If the landowner applicant (Paulette Satur and Eberhard Mueller) proposes to increase the rating capacity and size of the Solar-Panel AES, they shall file a new application demonstrating the need for the Satur Farms' operation on the subject parcels. Such application shall be filed with the Suffolk County Division of Planning and Environment for County review and approval;
- 13) The landowner applicant (Paulette Satur and Eberhard Mueller) shall be subject to Chapter 8 of the Suffolk County Code requirements for Alternative Energy Systems;
- 14) The landowner applicant (Paulette Satur and Eberhard Mueller) shall submit to the Suffolk County Department of Economic Development and Planning, Division of Planning and Environment within one (1) year of permit issuance the as-built survey depicting verified dimensions and distances (in feet) to the County Farm PDR property's boundaries for the aforementioned improvements; and
- 15) The landowner applicant (Paulette Satur and Eberhard Mueller) shall be responsible for compliance with all conditions of Farmland Committee Resolution # FC-21-2021, Chapter 8 of the Suffolk County Code as may be amended, the deed of development rights, the contract of sale, and all applicable federal state, county, and town regulations, rules and statutes.

EXHIBIT A

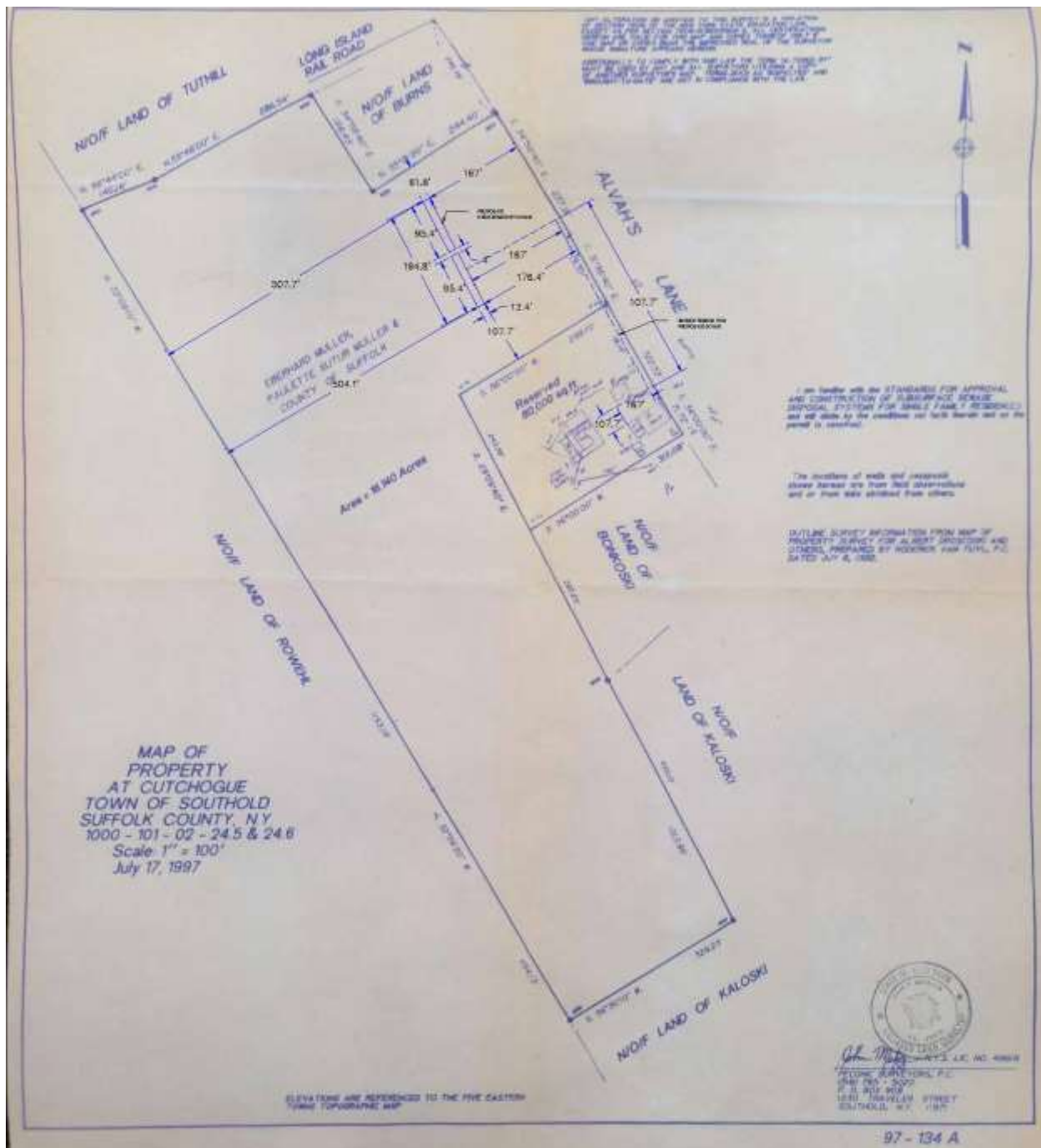


EXHIBIT B

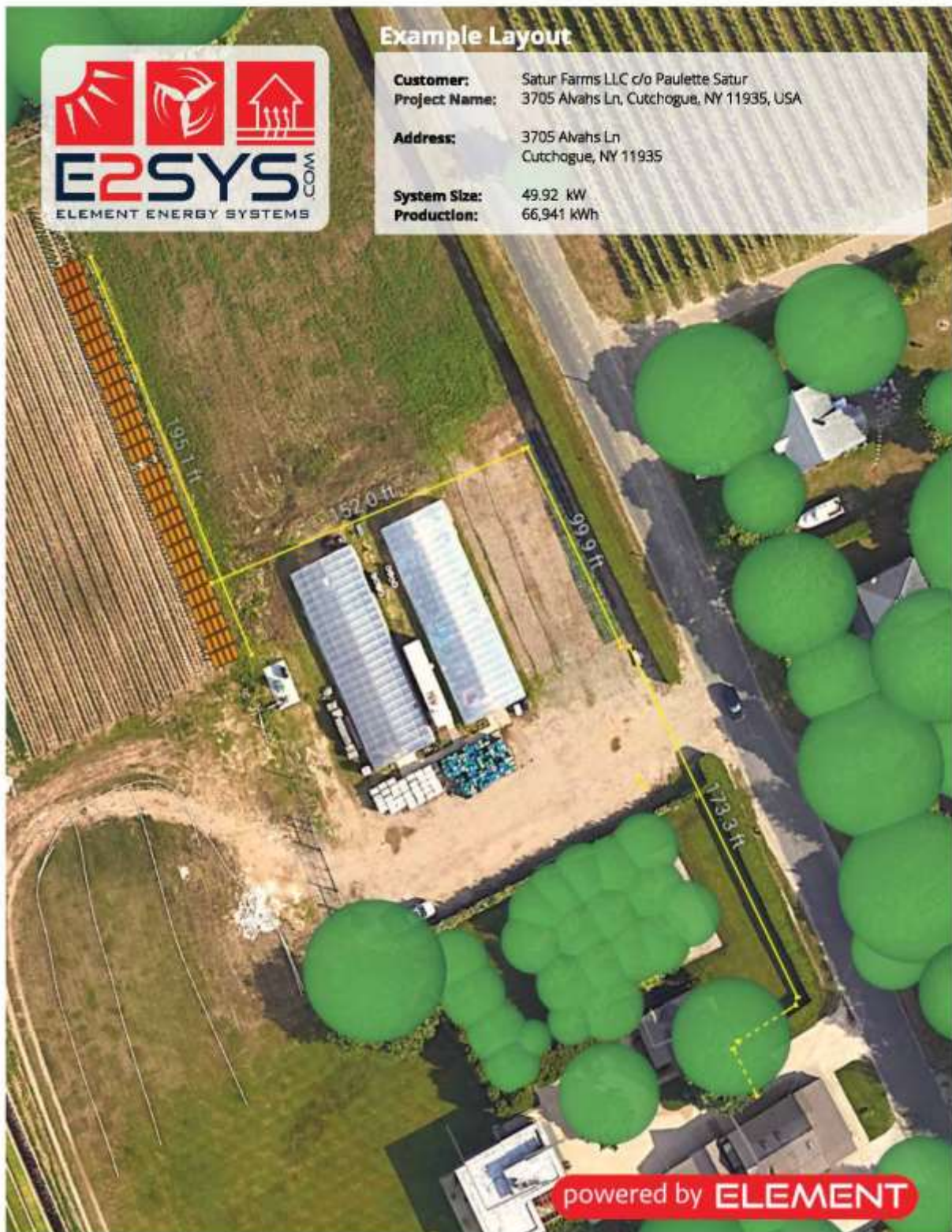


EXHIBIT C

Satur Farms - PDR - Farm kWh Usage Needs	Quantity	Size	#Hours/Days/Months	Annual kWh Usage
Covered Crops Buildings:				
Ventilation Fans	12	1/4 HP	24/7/12	13,070
	2	1/2 HP	24/7/12	6,534
Heat (gas) with Electric Circulator Pumps:	2	1/2 HP	12/7/6	1,612
	3	1/3 HP	12/7/6	1,612
* Field Irrigation Pump	1	80 HP	2/7/6	10,742
Sub-Total - Covered Crops Buildings:				33,570
Barn:				
Refrigeration	4	17.5 HP	24/7/365	28,591
* Electric Vehicle Charger	1	40 AMPS	4/3/180	7,500
Sub-Total - Barn-Refridgeration				36,091
TOTAL kWh Usage for Farm Operations:				69,661
* = To be installed				

